

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1923 – SB 2360

January 31, 2012

SUMMARY OF AMENDMENT (011786): Deletes all language after the enacting clause. Eliminates statutory doctrine of unclean hands as a defense in civil actions. States the legislative intent to repeal the statutory codification of the equitable defense of unclean hands and specifies that the common law equitable doctrine shall remain in full force and effect, unchanged and unadulterated, by the original enactment or this repeal. Authorizes a person affected by the repeal of the statutory codification of the equitable defense of unclean hands having a claim arising out of any act or omission resulting from such codification to bring suit in chancery or circuit court within one year after the effective date of this act, or forever be barred from asserting such claim.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions applied to amendment:

- The doctrine of unclean hands will continue as an equitable and common law defense in civil actions. No impact on the case load of trial or appellate courts.
- Stating the legislative intent regarding the repeal of this doctrine will not have a fiscal impact on state or local government.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

Lucian D. Geise, Executive Director

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